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HAWAII.

THE
STORY OF A NATIONAL WRONG.

EDITED BY

Julius A. Salmeron, Jr.

BOSTON :

PRESS OF NATHAN SAWYER & SON,

No. 70 STATE STREET.

1896.

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KAIULANI.

PRINCESS OF HAWAII; NIECE OF KALAKAUA AND LILIUOKALANI, SOVEREIGNS OF THE
CONSTITUTIONAL HAWAIIAN MONARCHY.

HAWAII.

THE

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INTRODUCTION.

THE issue of this pamphlet is, irrespective of its contents, a most touching evidence of the great confidence of the Hawaiian people in the people of the United States of America. When I left Honolulu last May, returning from my third visit to the Hawaiian Islands, I told the Hawaiians that if at any time my services would be of value to them, it would be a great pleasure to me to hear of it, and, whether of use or of no moment, they would be rendered with equal cheerfulness without other reward than that of an approving conscience.

I have recently received from thence the following statement of fact prepared for the information of the members of the Congress of the United States, to whom three-fourths of the registered voters and over ninety per cent. of the residents of Hawaii still look for the redress of wrongs perpetrated, and oppression continued, under the protection of the national flag of this country.

The close of the nineteenth century is indeed the bravest and best of all epochs in the history of the world. We who are now living are certain of this, and we support our claims to righteousness by contrasting ourselves with those guilty of national wrongs.

But within the limit of our own memories men and women of the highest character, making the excuse of the spread of the Gospel, went to the Hawaiian nation, trespassed on its hospitality until the individual lost his land, and the people lost its nationality. The reason why the Hawaiian is now an exile on his own soil is simply that a system which was desirable for the Anglo Saxon race was ruinous to him. Under his own monarchs and his own chiefs, he could not alienate his land; he had all that he needed, he located it anywhere; he sought the water-courses, cultivated his taro, was healthy and happy. Under the land-system of the missionary's device, he became a holder in fee, was soon dispossessed by his natural improvidence and the superior cunning of the white race, so he is now homeless.

The annihilation of Hawaiian nationality, stripped of all diplomatic complications with which writers have entangled it, exhibits the race to which we belong in even a less favorable light. Since 1887, when the Bayonet Constitution was extorted by these men from King Kalakaua, the Hawaiians have been only nominally rulers of their

own people. Sanitary, social, police, diplomatic, cabinet, and legislative functions have been decreed and discharged by the missionary party. Therefore, at the time of the successful issue of the conspiracy to depose the native queen, nearly all the offices being in the hands of her enemies, there was little difficulty in holding possession of that which had been obtained by arrogance and false professions of loyalty. The proceeding by which Pizarro deprived the Inca of his gold was feeble compared with that by which these American-born gentlemen cheated a woman of her throne, of her property, and of her succession. A direct compact, repudiated by them on the technical ground that it was entered into by one of their number as a personal undertaking rather than as an official, was their first piece of chicanery. This was followed in January, 1895, by another of meaner origin and of still more ungallant execution. When certain of the adherents of Queen Liliuokalani had attempted to land arms (those at Honolulu having been surrendered to the insurgents at the autograph request to Marshal Wilson of the lady herself) these gentlemen, finding her ill and alone at her private residence, seized her person, and then assured her that individuals devoted to her, whom she personally loved, were awaiting execution at the very moment, and that the only stay of proceedings which would prevent her friends from being instantly shot would be her own signature to an act of abdication to be drawn up by one of their number, and her immediate denial of her people by an oath of allegiance to her captors. Having secured both these papers, they at once telegraphed it over the world that the Royalist party had given up the contest, and that the queen had voluntarily abdicated and taken an oath of allegiance to them. Of the truth of this paragraph the evidence in my possession is of a nature so incontestable that it could not be controverted in any court of law.

The individual with whom Queen Liliuokalani made her original agreement of reference to the United States was in no way disowned by his associates because he had personally pledged them to arbitration. On the contrary, he was rewarded by being made Minister of Finance, an office which he has held uninterruptedly and still holds.

The annals of the world's history may be searched in vain for another such instance of rewarding friends and punishing opponents as has existed under United States protection, by connivance of its ships of war, for the past few years in Honolulu. Much is made of the fact that those alleged to have had an interest in the riot of a year ago have been recently pardoned. In the first place, the court which condemned them had involved the insurgents in suits for damages and international

complications, to which, with a rapidly diminishing financial credit and an enormous debt, this was the speediest answer; in the second, there was not the least danger in freeing these men, who would much rather be laboring for the support of their families than wasting away their health in a tropical prison house, — they have, some of them, denied their official connection with any effort to restore the constitutional government; and, lastly, no one but a person who has lived there can imagine the reign of terror maintained by the ruling ring and held over those who dissent from their lawless course.

The mockery of diplomatic relations with this country should not be countenanced a moment. The so-called ministers, commissioned by the present rulers of Honolulu, are no more than political and financial lobbyists, and should be so received by the Washington government. The government who sends them here, outside of its financial supporters and political sycophants, has no standing in Honolulu. At its recent official New Year's reception only these were present; there were no important representatives of the race to whom God gave those once beautiful and happy islands.

On my own responsibility, I have chosen, for a frontispiece to this pamphlet, the picture of the Princess Kaiulani, niece of the late king and of the deposed queen, whose official right to the throne of her ancestors is incontestable. I have done this without consulting the lady herself or any one representing her, because in the resumption of her lawful rights, and in this manner only, can this great international wrong be righted.

From the knowledge gained by three distinct terms of residence in Honolulu, and a larger personal acquaintance there than in any other city of the world, I most heartily indorse as truthful the statements of the within pamphlet. In reading it I have been surprised to notice the moderation and the absence of exaggeration in all the information which it professes to give. No reliance whatever can be placed on the general dispatches sent from Honolulu to the United States. They are, and have been since the first, manufactured by the party in power with special reference to effect upon the American people.

Julius A. Salmeron, Jr.

STATEMENT OF FACTS.

I.

AFFAIRS IN HAWAII, 1893-95.

IN reviewing a few of the most noticeable points in Hawaiian affairs from the prorogation of the last Hawaiian Legislature to quite recent times, it is only necessary to refer in general terms to the so-called revolution of 1893, and this can best be done by quoting a few passages from the Message of the President of the United States to Congress, dated December 18, 1894.

“When,” says the President, “the present administration entered upon its duties, the Senate had under consideration a Treaty providing for the annexation of the Hawaiian Islands to the territory of the United States;” . . . “but it appeared from the documents accompanying the Treaty, when submitted in the Senate, that the ownership of Hawaii was tendered to us by a Provisional Government set up to succeed the constitutional ruler of the Islands, who had been dethroned, and it did not appear that such Provisional Government had the sanction of either popular revolution or suffrage.”

Further on the President says: “As I apprehend the situation, we are brought face to face with the following conditions: the lawful government of Hawaii was overthrown without the drawing of a sword or the firing of a shot, by a process every step of which it may be safely asserted is directly traceable to and dependent for its success upon the agency of the United States acting through its diplomatic and naval representatives.” This, then, was the manner in which the Constitutional Government of the country was dispossessed, and a Provisional Government, without sanction of either revolution or popular suffrage, was placed in absolute power. Let us now proceed to notice the use made of this power.

As if to emphasize the narrow area of the so-called revolution, and to show how fully aware of the non-participation of the country in general were the leaders of this *coup d'état*, the first thing done was to close the port of Honolulu, lest the strange and unexpected events of the last few days should arouse opposition through the country districts and the other islands, as must assuredly be the case as soon as the people realized the intention of the new rulers not only to dethrone

the Queen, nor even only to abrogate the monarchy, but to absolutely extinguish their national existence, and to transfer their home and country to a foreign power, behind their backs, carefully keeping the plan concealed until it was too completely effected to be recalled or undone. Thus, a steamer was at once chartered, and five friends of the Provisional Government nominated as "Commissioners" to make offer to the United States of the Hawaiian Islands, thus to be despoiled at one stroke of their existence as one of the families of the nations of the earth. When the Commissioners left Honolulu, *no one*, it should be borne in mind, *no one* outside the island of Oahu knew what was being done; and of those in and about Honolulu who did know, many disapproved, nor had any one outside the small circle of conspirators been consulted. Furthermore, particular trouble was taken that no representative of the Queen or of the country other than the Provisional Government's representatives should be allowed any opportunity of making known their position or their wishes.

The failure of this mission, owing to the high sense of honor of President Cleveland, the Hon. W. Q. Gresham, the Secretary of State, and the Senate of the United States, is a matter of history, and needs not be retold in detail.

The Provisional Government then was left with a country on their hands. They had made offer of it to their own fatherland, the United States, and had been told, not very indistinctly, that the said country was not righteously theirs to dispose of, so what was to be done? *Pose as Hawaiians and keep it for themselves!*

The Provisional Government consisted at this time of eighteen individuals, self-selected from the little group of confederates who had, without popular revolution or suffrage, taken possession of the Hawaiian sovereignty. Of these eighteen four were chosen by the rest to be the "Executive Council," in fact, the Cabinet, with one as President; the dozen others called themselves the "Advisory Council," and constituted, with their four colleagues, the sole power in the country, holding the executive and legislative power themselves,—the power of the sword, the power of the purse, the power of appointing or dismissing all functionaries, and the power of appointing their own friends and followers into vacancies in their own number; and these powers they have held and exercised to this day, though they elected to call themselves a Republic nearly a year ago.

After a short trial it was found that the offices of President and Cabinet Minister together were too laborious for any one incumbent; accordingly, they invited a friend to join them and take a Cabinet

position, thereby relieving the President of departmental work and at the same time providing him with a valuable coadjutor, as the person selected was an American lawyer of considerable ability, and though not many years in the country, had as good a claim to a place in the government as most of the eighteen who had chosen him.

Thus the eighteen became the nineteen who still govern the country.

This may be considered as the first chapter of the Provisional Government of Hawaii.

The Provisional Government having been thus lifted into the saddle, their first care naturally was to make their seat secure and tighten their grasp on the reins. With this object in view, the idea necessarily occurred to them to raise a *Force*, ready to act in their defence, as they felt they were only too open to attack, seeing that probably nine-tenths of the people were against them.

No attempt has ever been made to ascertain public opinion on any question whatever, probably because two and a half years of propaganda urged and supplemented by all the means within the reach of an irresponsible oligarchic government has never succeeded in justifying the hope of a favorable response, if appeal to the people were made.

The "Force" to be raised should be of such a nature that it would be efficient as a protection to the government in proportion to the ignorance or indifference of its members to the merits of any of the public questions at issue. A purely mercenary force would best fulfil these conditions. A considerable number of suitable men were at hand. As is the case in all seaports, there were deserters, stow-aways, out-of-work laborers of divers nationalities, largely Teutons and Scandinavians, with a sprinkling of Americans, British, and Portuguese. A number of these were quickly enlisted, and by degrees clothed and drilled. We shall presently see how they were enabled and taught to vote. Public offices and court-rooms having been taken for barracks, the palace was converted into offices for the chief governmental departments.

The principle "to the victors belong the spoils" was now unsparingly put into practice, and a large number of blameless and efficient public servants were summarily dismissed. From heads of departments to door-keepers an oath was exacted swearing allegiance to the Provisional Government, and refusal to swear was met by instant dismissal. It may be worth while to reproduce the certificate granted to one of their victims, a native and a married man: "We, the undersigned,

hereby take the pleasure to recommend . . . that during his eighteen years' employment in the . . . office in the capacity of messenger he has been an honest, industrious, temperate, and trustworthy man, and more especially since our connection with said office. (Sd.) . . . President . . . Minister."

This system was extended even to notaries public, agents to take acknowledgments, — to every one, in fact, who required government authorization to earn a fee; indeed, it was proposed to exact the oath as a condition of all who were entitled to grant marriage licenses or certificates, and it was required of all teachers, men and women, in government schools.¹

The press fared no better; opposition papers were attacked, and in several cases the editors were imprisoned; indeed, one arrested in December, 1894, was not tried six months later. By these means in less than a year the Provisional Government got possession of the schools, the press, and, as far as possible, of the pulpit. When we come to notice the new Republican constitution, it will be seen that the jury box has also been made a political party instrument. The full power of the purse they have wielded unquestioned since the day of their *coup d'état*. Meanwhile, the nineteen were not forgetful of their self-imposed legislative functions. Among their earlier decrees were those defining the penalties to be inflicted on any guilty of treason to their government, and on those who might fall within the comprehensive grasp of their own interpretation of the very elastic phrase *Misprision of treason*, afterwards most unscrupulously misused. Another decree was soon found necessary to check the influx of low-class adventurers attracted to Honolulu by the high scale of pay allotted by the government to its forces. All these decrees were, of course, put forth as *Acts* of the Provisional Government. Their genesis was apparently as follows: did the necessity of any rule, regulation, or alteration of existing law appear to one of the Cabinet as advisable, a bill was drawn and got into shape by the lawyers in the Cabinet, of whom there were two, with the approval of the President, himself a lawyer, and we will suppose with the concurrence of the Finance Minister, and perhaps the other lay member. This "Bill" was then gravely submitted to the "Advisory Council," or as many of them as could conveniently attend, by them was read a first and second time in imitation of representative assemblies, was discussed, sometimes even modified, read a third time, and passed and sent to the President for approval.

¹ More than one ejected schoolmaster opened a school on his own account, and was followed by the bulk of his pupils.

The whole process seldom occupied more than two short sittings. "Passed unanimously" was the more frequent label.

How a dozen and a half sane men could have joined again and again in playing this farce without laughing in one another's faces, seems difficult to realize. It was in this way, however, that a large number of laws were added to the Hawaiian Statute Book, and it was by such meetings of the nineteen, or those of them who pleased to be present, that public money was voted away, public and crown lands disposed of, criminal statutes and press laws enacted, military forces raised and armed, magistrates appointed and dismissed, long after these self-appointed functionaries had announced to the world that they were administering the affairs of a Hawaiian republic!

The worst of it perhaps was that the world believed them, or pretended to.

For a time it was considered advisable to attract attention of the public occasionally, if it were only to show cause why arms were being purchased, and military organizations encouraged, spies multiplied, treason acts passed and promulgated, and so from time to time a Royalist alarm was sounded. Some dynamite was found—by those who hid it—about the out-buildings of the premises adjoining the Queen's private residence. Some of the forces were taken with a grievous colic after a meal, and the government papers were full of "a Royalist plot to poison the government forces."

This, however, was accounted for by the filthy condition of the cooking department. It will suffice merely to put upon record what may be called the "Restoration Episode." The Government of the United States, desirous of setting right the wrong done by the unauthorized action of their servants in January, 1893, made a conditional offer to the Queen with a view of restoring, as nearly as might be, the *status quo ante*. In passing, let it be noted that at the time the representative of the United States, officially acknowledging the wrong done to the Hawaiian people by the action of that power, asked Mr. Dole to abide by its decision and restore the authority of the Queen, the head of the self-chosen nineteen was allowed time and counsel in which to draft a diplomatic reply. In contrast to this opportunity for caution and deliberation, when the Queen was asked what would be her course in the event of restoration, she was secretly introduced, entirely alone, into the office of the American Minister, and her impulsive words of condemnation of the treason which had deprived her people of nationality, words about which there is to this day much dispute, were magnified by her enemies. To this day she has never received nor answered

any official communication from the United States in response to the original reference of her case to that much-respected power. The negotiations, however, came to naught, but served to call forth a torrent of scurrilous abuse on the heads of the Queen of Hawaii, the President of the United States, and the Secretary of State alike, from the so-called loyal press.

Matters appeared to be going on for some time now with comparative smoothness, though a ceaseless propaganda was kept up, political leagues and associations were formed, all actuated by the keenest form of friendship for the government, but frequently embarrassing to their patrons when it was found that there were not spoils enough to go round for every hungry partisan to have a share.

Towards the spring of 1894 it seems to have occurred to the more prudent of the nineteen rulers of the country that, having been more than twelve months in undisturbed possession of absolute power, it might be as well to make some show of a popular foundation for their rule, as the nakedness of their oligarchy plainly required some rag of representative pretence to cover it for mere decency's sake. Accordingly a plan was drawn up, which ultimately took shape as follows: Such of the voters under the Constitution of 1887 as would submit to swearing allegiance to the Provisional Government were to be allowed to elect *eighteen* delegates who should assist the *nineteen* of the Provisional Government in drawing up a new constitution. It will be seen that though none but the sworn partisans of the Provisional Government were admitted to this franchise, still, the delegates to be elected by them were to be a permanent minority. The vote cast was insignificant as to number or weight, but the matter was much magnified by the government papers, and was styled the "Constitutional Convention."

The eighteen thus elected and the nineteen not elected at all met and drew up a constitution, which was subsequently proclaimed as that of the Hawaiian Republic.

It may be advisable now to note a few of the clauses of this constitution, to show how it was fitted, as was obviously intended by its real authors, more for maintaining a usurped and, therefore, an unpopular and unstable authority than for the ultimate guidance and support of a progressive, enlightened government of a Republic, "broad based upon the peoples' will."

ARTICLE 3 provides "All men may freely speak, write, and publish their sentiments on all subjects, and no law shall be enacted to restrain the liberty of speech or of the press;" . . . "Provided, however, that the Legislature may enact such laws as may be necessary to restrain and prevent . . . indecent or seditious language."

Before the Legislature had met or enacted any laws whatever, this restraining and preventing power was used by the Provisional Government for silencing the opposition press.

ARTICLE 5. "The privilege of the writ of Habeas Corpus belongs to all men, and shall not be suspended except by the President or by one of the Cabinet Ministers as herein provided," etc.

By virtue of this exception clause the Habeas Corpus Act was suspended for two of the first seven months after the proclamation of a Republic, in order to meet and afterwards to punish a reactionary disturbance which was practically extinguished in two days, and all the leaders captured or surrendered within a week. It is worthy of remark that at the trials before the so-called Court-Martial, when the counsel for the prisoners challenged the constitutional standing of the court, the gentlemen acting in the place of a Judge Advocate appealed to this Article, and contended that though the suspension of Habeas Corpus was surrounded by numerous conditions and safeguards in the case of a President of the United States, and was altogether withheld from the power of the Crown in Great Britain, where an Act of Parliament alone can authorize such suspension, yet in the constitution of the new Republic of Hawaii were no such conditions or restrictions, but the President or one of the Cabinet Ministers was justified without further authority or any limitation to his own judgment in issuing a decree of suspension whenever and for as long a period as "public safety shall require such suspension," i.e., in his own opinion.

Is it to be wondered at if the President read "safety of existing government" for "public safety?"

ARTICLE 6. "No person shall be subject to punishment for any offence except on due and legal conviction thereof by a tribunal having jurisdiction of the case;" and as "the judicial power of the Republic shall be vested" (by Article 82) "in one Supreme Court, and in such inferior courts as the Legislature may from time to time establish," it is obvious that the proceedings of the so-called Court-Martial were all utterly and entirely without sanction of law, and the very existence of such a court was in direct contravention of the constitution.

ARTICLE 17. Citizenship. The second section of this article defines "Special Rights of Citizenship," and is directly devoted to conferring retroactive rights, the voting power more particularly, on the heterogeneous collection of aliens who were enlisted by the Provisional Government in the earlier days of its existence, to protect itself and maintain its rule as against the people when it was by no other means secure in the possession of power from day to day.

“Any person,” it decrees, “not a Hawaiian citizen, who took active part, or otherwise rendered substantial service, in the formation of and has since supported the Provisional Government of Hawaii, . . . shall be entitled to all the privileges of citizenship without thereby prejudicing his national citizenship or allegiance.” Those persons who took “active part,” and have been referred to in this paper as deserters, stowaways, out-of-work laborers of various nationalities, and as they were for the most part unable to comply with the very moderate educational requirements set forth in Article 74, Sect. 7, a special clause is added which decrees that the said requirements “shall not apply to those persons who shall obtain the certificate of service as provided for in Article 17.” In short, Articles 17 and 74 enfranchise an army of alien, illiterate paupers, whose votes were, of course, at the disposal of the government. It is thus admitted that the vote of these illiterate aliens was required to carry on the rule of the Provisional Government whensoever it should venture to put any question to the vote; and these were they who helped to choose the eighteen delegates sent to assist the nineteen self-chosen, who amongst them produced the constitution since proclaimed to be that of the Hawaiian Republic.

“Of representation under the Republic.” Article 34 decrees that there shall be a Senate composed of fifteen members, of whom six are allotted to Oahu, the seat of government, the other nine of the remainder of the group.

Article 57 provides that there shall be a House of Representatives to consist of fifteen members, of whom six are allotted to Oahu, the other nine to represent the whole of the rest of the group. Thus the Legislature of the future Republic is to consist of two chambers aggregating together thirty members, of whom Oahu returns twelve, as containing the seat of government, whose employees, together with the army of aliens, illiterate or other, could always control the elections.

Article 93, Sect. 2, cancels all government appointments in effect on the 1st of September, 1894, to be renewed or not at the pleasure of the Provisional Cabinet, thus at one stroke making sure of the dismissal of any unsworn clerk or messenger who might have hitherto escaped notice, and seizing effectually the spending power of all public money, every functionary in the public services holding his appointment at the pleasure of the Provisional Government Cabinet.

This is actually the very sublimation of the “Spoils system.”

Article 101 decrees that “No person shall be eligible to be an officer, Senator, or Representative,” or an Elector, *or a Juror*, until he shall have taken and subscribed a political party oath, binding him not

only to allegiance to the *soi disant* Republic, but adding for the future that he will never encourage or assist, directly or indirectly, the establishment of a monarchical form of government. This Article then sentences every non-juror to disfranchisement, deprivation of all prospect of serving his country in any capacity, and even of the right of trial by a jury of any but political opponents.

It applies to the vast majority of the natives and a large proportion of foreign-born citizens or denizens.

The avowed royalists of France have not been disfranchised by the French Republic, and there are avowed republicans in the House of Commons of Great Britain.

The President was arbitrarily *proclaimed* to the 31st December, 1900.

The first general election is to be held in September, 1897.

The first regular session of the Legislature is to meet in February, 1896, until which time the Provisional Government Cabinet rules absolutely and irresponsibly.

By way of a sort of interim Parliament, which may be called upon to appropriate public moneys between the regular sessions of the Legislature, Article 81 creates a "Council of State" of fifteen members, of whom one-third may be elected by the Representatives, the other two-thirds being allotted to the President and the Senate respectively.

It must surely be admitted, then, that the statement "the Constitution is fitted and was obviously intended more for the maintaining a usurped and unpopular government than for the guidance of a progressive, enlightened republic" is fully justified by the terms of the constitution itself.

It should be remembered that this constitution preceded the proclamation of the Republic, which latter, therefore, receives its constitution at the hands of the Provisional Government and its partisans.

The Republic itself rests upon the proclamation of the President of the Provisional Government *as such*, and is proclaimed by virtue of the authority of the Executive and Advisory Councils of the Provisional Government.

No act of the Provisional Government, of its President or its Councils, has ever been submitted for the acceptance or approval of any representative body.

Obviously, then, the Republic has had no voice in the retrospective adoption of two years' government by a non-representative *camera*, nor has it had any voice whatever in the drawing or the acceptance of the constitution under which it is to flourish—or the reverse.

II.

THE INSURRECTION AND AFTER, 1894-96.

TOWARDS the close of 1894 it became evident that the government was becoming seriously alarmed by reports of preparations being made, arms collected and stored, with a view of effecting some movement of a reactionary nature. Notwithstanding the absolute power wielded by the Provisional Government for close upon two years, there could be no doubt that a large majority of the people thoroughly disapproved of the means by which the government had been put in possession of this power, and of the object to which their efforts were directed, which was the extinction of the Hawaiian nationality by annexation to the United States. Not only the great bulk of the natives who were loyal to their own monarchy and nationality, but a very considerable number of thoughtful foreign residents were doubtful of the advantage, and thoroughly convinced of the unrighteousness of annexation by the destruction of the Autonomy of Hawaii, at the hands of a group of foreigners who were in reality only masquerading as Hawaiians for the purpose of justifying their action in the sight of imperfectly informed persons and powers abroad whose sympathy and approbation they deemed of importance to the success of their plans.

The apprehensions of the government becoming acute, domiciliary visits became frequent, premises were ransacked, and householders imprisoned on suspicion of concealing arms.

In the first week in January, 1895, the government were in possession of positive information of the landing of a considerable quantity of arms and ammunition at two different points in the island of Oahu, one being within six miles of Honolulu.

On Sunday, January 6th, a sheriff's posse with a search warrant was sent to the house of a man living close to the beach of Waikiki, who had held some office about the Court of King Kalakaua, and who was well known to be in sympathy with the Royalist population. A number of natives were assembled on the premises cleaning and distributing rifles. The police party, unexpectedly finding themselves outnumbered by armed men, fell back and telephoned for reinforcements. These were speedily on their way from Honolulu, and were joined on their way out by three gentlemen, members of a volunteer corps, with their rifles, and again the party proceeded to execute the warrant.

On entering the premises they were fired on by a group of natives amongst the out-buildings. One of the volunteers fell, mortally

wounded, and one of the police received a rifle bullet in his arm ; the remainder of the party carried the premises with a rush, arrested the proprietor, seized and disarmed the natives they could reach, and drove the rest into the bush. A part of the police followed, but were unable to seize any more of them.

On the receipt by the government of this intelligence, the volunteers were called out, a "Citizens' Guard" enrolled, and the capital put in a state of defence. On Monday, January 7th, martial law was proclaimed, the streets patrolled, all approaches to the town guarded, and every preparation made for opposing any attempt from the country. A party, or, rather, some scattering groups of armed natives, were seen on Diamond Head, but were driven away by a few shells from a gun put on board a harbor tug. Another party of natives posted themselves in a position commanding the road from Honolulu to the back of Diamond Head, and after a trifling skirmish in which two members of the government forces were wounded, were dispersed, some throwing away their arms on the spot, others hiding them in the bush as they made their way into the back country.

The open insurrection was at an end. All that remained was to guard against any of these scattered parties uniting, and to arrest the supposed leaders. Instead of being content with this, however, the aim of the government appeared to be to spread their net as wide as possible to drag in every one, however contemptible, and trust to a court, to be composed of their own partisans, for a sufficiently wide interpretation of the phrase, "misprision of treason." For this purpose the country was scoured by parties of government forces. The rumor of a "rebel leader" having been heard of in any particular direction sufficed to bring out a party of thirty or more heavily armed mounted police who, leaving their horses two miles from the station-house, plunged into the woods, hunted and searched throughout the hillsides, and, as a rule, returned empty-handed.

A great many cartridges were fired, and two unfortunate natives were known to have been killed, — one, it was said, in the act of surrendering. Before the week was out every one who could, by any stretch of the word, be called a chief or leader of the rising had come in and surrendered, but no idea of an amnesty, or even conditional pardon, appears to have occurred to the government. The hunt went on, and suspects by the score were dragged in. The summary of events for the week, then, was this: the actual armed insurrection put down or, rather, collapsed in twenty-four hours at a loss to the government of one, a volunteer, fatally, and three slightly, wounded; the whole

movement at an end, and every leader in the field surrendered and imprisoned within eight days. But there were many deeply involved participants who had not appeared in the field to be yet accounted for, — those who provided the funds, purchased and imported the arms, planned the insurrection, and who were of more importance than the few score natives picked up or self-surrendered. It became necessary now for the government to deal with the prisoners. Martial law was in force, *habeas corpus* suspended, the police court closed, and the prisons full ; so a new court was created with power over life, liberty, and property, and called a Court-Martial, or sometimes a “ Military Court.” It may be well to try to recognize wherein this court resembled, and in what respects it differed, from a court-martial as hitherto known through the civilized world. It is so difficult to find points of resemblance to any known court, that one prefers to attempt a description by negatives. It was certainly not a Civil Court of any kind, for it was called into existence by the *fiat* of the President, and neither its constitution nor its functions are known to the constitution or to the laws of the country ; the only plea for its existence was that martial law being proclaimed, civil law was in abeyance. It was not a court-martial, for its members were all civilians ; indeed, there was no permanent military body in the country from which the members of a court-martial could be drawn. It could not administer military law, for there is no military code known in the country, nor any rules or precedents for the guidance or regulation of a court-martial. There was not, nor is there yet, any act prescribing the number of “ regulars ” that may be raised or kept under arms and discipline, notwithstanding the establishment of regular forces by the Provisional Government, continued since it has called itself a Republic. The prisoners brought before this court were not subject to any military law unless it be conceded that proclamation of martial law by the President has the effect of changing every infringement of State or municipal law into military crime. Moreover, the insurrection, such as it was, was at an end before the court-martial began its sittings, and it is a generally accepted maxim that though military law may be used to put down rebellion, it may not be used for punishment after peace is secured. These niceties, however, were all swept aside. This “ Court-Martial,” then, was composed of six citizens all engaged in civil pursuits, and each an avowed “ Annexationist.” Five were Americans, of whom one was born in the country, and one was a Portuguese. To these was added an American lawyer (born in the country), to take the place of Judge Advocate, or, as he interpreted

the part, attorney for the prosecution. A military title was conferred upon this gentleman for the occasion. The rest had a sort of pseudo-military status as volunteers, and there were in their number salaried civil servants of the government. To preside over this court one of the Circuit Judges was created a colonel (unattached) for the occasion, and it was entirely owing to this gentleman's knowledge of law and familiarity with the methods of procedure that the sittings of this singular court were conducted with decorum and regularity of externals. In point of fact, this court was composed simply of nominees of the government; in other words, of the prosecution, the choice being only limited, by preference, to members of some volunteer corps, though in the case of the President and Judge Advocate this limit was ignored. On opening the court, and at the commencement of each case, the counsel for the defence challenged the competency of the court, and was answered by the Judge Advocate that the new Constitution of Hawaii gave to its President unrestricted powers in the premises, though the same powers are closely restricted and jealously safe-guarded by the Constitution of the United States, and altogether withheld, without special act of Parliament, from the Crown of Great Britain. The Judge Advocate's argument being of necessity upheld, the trials went on.

Several of the principal actors in the rising, notably the man on whose premises the *fracas* occurred in which the one fatal shot was fired, and the man who was ostensibly in command of the group of insurgents in the skirmish on the second day, when two of the government forces were hurt, were induced to become approvers, and it was principally on the evidence of these men that their one-time comrades were condemned.¹

The law under which these men were sentenced was an act passed, or rather a decree issued, by the Provisional Government in its earlier days while they were as yet affected by a consciousness of insecurity. It was by such law as this, administered by a court such as this described above, that the life, liberty, and property of all who might be arraigned before it were threatened.

It was confidently asserted, and generally believed, that a number of death sentences were passed, though not promulgated, having been commuted by the President, as likely to injure rather than serve the cause of the government. Be this as it may, in a few days *twelve*

¹ To his infinite credit it must be recorded that Robert Wilcox, the most prominent of the native leaders, refused to purchase his own safety by such infamy, and was condemned to a term of imprisonment which he probably cannot survive, and a fine which he certainly cannot pay.

prisoners were sentenced to terms of imprisonment from thirty-five years downwards, amounting in all to three hundred and twenty years, in addition to fines amounting in the aggregate to \$95,000. The prisoners included men of near sixty years of age, and others barely twenty. In most cases the term of imprisonment was longer than the probable life of the victim, and the fine beyond possibility of payment.

In due time the Queen was brought up and arraigned under Provisional Government law. In opening the defence the counsel for the prisoner, after challenging the constitution of the court and being overruled, recapitulated the events of January, 1893, including Her Majesty's submission, *under protest*, to the naval forces of the United States Gunboat "Boston." All this matter, indisputably and historically truthful as it was, the Court rejected as irrelevant, and refused its entry on the journal of its proceedings; and the Queen was pronounced guilty of crimes against the Provisional Government law, largely on the evidence of the approvers made use of in the other trials, supplemented by that of some of Her Majesty's own confidential servants. How these last were induced to play so infamous a part may never be accurately known, — it does not, however, reflect credit on any party concerned.

The Queen was sentenced by this court to *five years' imprisonment with hard labor*, and a fine of \$5,000. The hard labor was remitted by the President. A little later a batch of thirty persons, mostly natives of the poorer classes, was sentenced to five years' hard labor and \$5,000 fine apiece; both fine and imprisonment were remitted in twenty-nine cases; the other one for *pleading not guilty* was put back to serve out his term. On the 11th of March it was announced by the government papers, with unconscious irony, that "justice would resume its sway."

Martial law was proclaimed on the 7th of January, and was therefore maintained for sixty-three days. As we have seen, the active insurrection lasted for two days only, and the active leaders had surrendered; none were taken in arms by the eighth day, so it may be charitable to suppose that some reason existed for the apparently unaccountable continuance of such an abnormal state of affairs as would be considered a disgrace to any well-governed country. As far as may be guessed, for no one outside the small group forming the self-constituted government can know anything of their motives, it would appear that the political prisoners had to be tried by something to be called a Court-Martial, because the country was under martial law, while martial law had to be maintained to justify the sitting of the Court-Martial.

Thus the continuance of each was required by the necessity of the other, and this state of interdependence existed as long as there were any political prisoners unsentenced. By the 1st of March about two hundred and seventy persons were brought before this court for having participated, or being suspected of participating, in the crimes of treason or misprision of treason as provided by Provisional Government law, and as interpreted by this court. Of this number *four* were acquitted, six were sentenced each to *thirty-five years'* imprisonment with hard labor and \$10,000 fine, *two* to twenty years and \$5,000, others to lesser periods and smaller fines, *one hundred and twenty-two* to five years, these being mostly of the poorer class of natives; the fine, which is compulsory under Provisional Government law, but utterly beyond the possibility of payment, being remitted. A considerable number of persons were deported or persuaded by threats to leave the country. The approvers were set free, but under sentences which are to be enforced in the case of disloyalty to the existing form of government.

Fifty-eight sentences were suspended, and thus the Provisional Government, having disposed of its enemies for the time, became again a mere mechanical oligarchy.

After so vigorous an exercise of authority in the immediate past, it is no wonder that the Provisional Government should bethink them of providing for the future. Accordingly, an Indemnity Act, justly pronounced by the Minister of Foreign Affairs to be "a very comprehensive measure," was introduced by one of the Cabinet, and passed its first and second reading with other important business, at a single sitting. This was on the 14th of March, three days after "justice had resumed its sway," so that it must be admitted that the Provisional Government lost little time in indemnifying *itself and its servants* for all the illegalities, cruelty, and injustice of the two months' martial law.

It may be well to mention here, though not exactly in the regular order of events, the generous scheme of pardon which was predicted as about to be put in practice on the 4th of July, 1895. The Fourth of July — the anniversary of American independence — was chosen by the Provisional Government as the day on which they would begin to call their rule Republican and the country they hold the "Hawaiian Republic." The government officials had, therefore, a double part to play, as patriotic Americans and as Hawaiian patriots. It was presumably in the latter capacity that the pardoning power was so lavishly exercised. Five years or ten years were stricken off some of the longest sentences, thereby giving to the younger victims the comforting reflection that they might possibly outlive their time; and a conditional

release, not pardon, was granted to some forty poor natives, whose pauperized families were becoming a trouble and a scandal. This was the celebration of the double event as far as the political prisoners were affected. At the same time two of the youngest long-sentenced prisoners were struggling for life in the Queen's hospital, but under a police guard, with a malarial fever contracted in the jail, while some of the older prisoners were in the hospital of the jail.

Amongst other inconveniences occasioned by the undue prolongation of martial law was an arrear of two hundred and fifty cases awaiting decision in the police court of Honolulu.

To illustrate the strange anomalies in the government of the country, ruled, as it has been ever since the so-called revolution, by the old original Provisional Government, while calling itself a republic, the events of one day may show. We take the 17th January, 1895, for example. On that day the Provisional Government fired a royal salute to celebrate the completion of two years of their irresponsible, non-representative rule. On the same day the President and three Ministers of the "Executive Council" and seven members of the "Advisory Council" met, and themselves elected four of their friends to fill a like number of vacancies in their own number. Then these fifteen voted \$50,000 for "general expenses of suppressing the rebellion;" and yet this country had professed itself a republic on the fourth of the *preceding* July, had notified foreign powers to that effect, had been taken at its word, and the "Hawaiian Republic" acknowledged seven months ago! and on the *same day* the "*Court-Martial*" *began its sittings!*

Later still, on the 15th of March, in the ninth month of the Republic, a quorum of fourteen members of the Provisional Government passed the third reading of six of their own bills, and were complimented by their own press for "rapid and unanimous work."

Comment on this sort of a government is unnecessary, and has been, as far as possible, avoided in this mere recital of occurrences without expression of personal opinion, which has been the object sought; but the following conclusions would appear to be inevitable from a consideration of the foregoing facts.

First, The so-called revolution of January, 1893, was *not* a revolution of or by the people, but was strictly a *coup d'état* effected by a small group of persons, unknown to, unexpected by, and disapproved of, by the great majority of the people, and only by the effectual support of foreign forces.

Second, The so-called Court-Martial was *not* a court-martial in any recognized acceptance of the term, but simply a group of citizens, some of them volunteers, selected by the government, i.e., by the prosecution, for the purpose of condemning those brought before it by other servants of the same government.

Third, The so-called Republic is *not* a republic, nor can it possibly be a republic with its present constitution, especially since the interpretation of that instrument by the Supreme Court (*in re Cupid*), but is a strictly limited oligarchy of the narrowest type.

One more illustration of the Republican government of Hawaii.

In July, 1895, a bill was brought before the Senate of the Hawaiian Legislature, then sitting in extraordinary session, by the Cabinet — the old Advisory Council of the Provisional Government — for the appropriation of a sum of money to be granted as an annuity to the Princess Kaiulani, heir apparent to the Hawaiian crown. This was advocated by the Minister of Foreign Affairs, and supported by other late members of the Provisional Government, now become Senators of the Republic. The Foreign Minister, with the most cynical frankness, explained his reason for supporting the measure. His ground was that such a grant would be a capital advertisement of the virtue, liberality, and magnanimity in general of the Hawaiian Republic, and would accordingly help forward the sacred cause of annexation!

The appropriation was refused by the casting vote of the Chairman in a full Senate of fifteen senators!

For confirmation of the statements in this article, the reader is referred to —

“President’s Message to Congress,” Dec. 18, 1893.

“The Hawaiian Question, the Facts and the Law,” by the Hon. John E. Bacon in *Southern Magazine*, Feb. 7, 1894.

“Speech of the Hon. J. F. Stallings of Alabama” in the House of Representatives, Feb. 6, 1895.

“Proclamation of Republic,” by S. B. Dole, President Provisional Government, July 4, 1894.

“Constitution of the Republic of Hawaii,” promulgated July 4, 1894.

“Decision Supreme Court,” *in re Cupid*. *Pacific Commercial Advertiser*, July 3, 1895.

“Memories of Hawaii,” by Julius A. Palmer, Jr., Special Correspondent *Daily Evening Transcript*. Boston, Lee & Shepard. 1894.

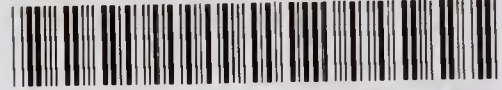
“Again in Hawaii,” by Julius A. Palmer, Jr., Special Correspondent *The Evening Post* (N.Y.). Boston, Lee & Shepard. 1895.



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